

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARSHALL LOSKOT, an individual;)	
and DISABILITY RIGHTS ENFORCEMENT,)	2:04-cv-02096-GEB-CMK
EDUCATION, SERVICES: HELPING)	
YOU HELP OTHERS, a California)	
public benefit corporation,)	<u>ORDER RE SETTLEMENT</u>
)	<u>AND DISPOSITION</u>
Plaintiffs,)	
)	
v.)	
)	
GREEN VALLEY FORD; ROBERT STARKS,)	
an individual dba GREEN VALLEY)	
FORD, SUZUKI, DODGE & MAZDA,)	
)	
Defendants.)	

On October 6, 2005, Plaintiffs filed a Notice of Settlement representing that the parties have reached a settlement agreement that "fully resolves the claims herein." Plaintiffs also requested that "all matters currently on calendar be vacated."

The parties have until 4:30 p.m. on November 3, 2005, to file a document or documents that effect dismissal of this action. See L.R. 16-160(b). Until such documents are filed the Rule 16 Scheduling Order dates will not be vacated.

1 The Rule 16 Scheduling Order dates will remain on calendar
2 because the mere representation that an action has been settled does
3 not justify removal of the action from a district court's trial
4 docket. Cf. Callie v. Near, 829 F.2d 888, 890 (9th Cir. 1987)
5 (indicating that a representation that claims have been settled does
6 not necessarily establish the existence of a binding settlement
7 agreement). Vacating the dates established in a scheduling order when
8 there may, in fact, not be an enforceable settlement agreement "would
9 undermine the court's ability to control its docket [and] disrupt the
10 agreed-upon course of the litigation." Johnson v. Mammoth
11 Recreations, Inc., 975 F.2d 604, 610 (9th Cir. 1992). See also U.S.
12 v. 1948 South Martin Luther King Dr., 270 F.3d 1102, 1110 (7th Cir.
13 2001) ("Courts have a legitimate interest in ensuring that parties
14 abide by scheduling orders to ensure prompt and orderly litigation.").

15 IT IS SO ORDERED.

16 Dated: October 6, 2005

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18 /s/ Garland E. Burrell, Jr.
19 GARLAND E. BURRELL, JR.
20 United States District Judge
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